

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JANA SMITH,

Plaintiff,

v.

**MARK DOWNEY, CHARLES OLSEN,
ARIELL HARTWELL, MARK SIMON,
and SHERMAN SMITH,**

Defendants.

Case No. 3:21-cv-00454-JR

ORDER

IMMERGUT, District Judge.

On April 18, 2022, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”). ECF 37. The F&R recommends that this Court deny Plaintiff’s Motions for Default Judgment against Defendants Olsen, Simon, and Smith. ECF 34; ECF 35; ECF 36. No party filed objections. For the following reasons, the Court ADOPTS Judge Russo’s F&R.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de

novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge Russo’s conclusions. The F&R, ECF 37, is adopted in full. Plaintiff’s Motions for Default Judgment against Defendants Olsen, Simon, and Smith, ECF 34; ECF 35; ECF 36, are DENIED.

IT IS SO ORDERED.

DATED this 31st day of May, 2022.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge